

REMARKS

Claims 1-56 are pending, with claims 1, 17, 29, 42 and 49 being independent. Claims 49-56 have been withdrawn from consideration. Claims 21 and 33 have been cancelled by this amendment without prejudice. Claims 1, 6, 17, 22, 23, 25-27, 29, 34, 35, 37-39, 42, and 43 have been amended. No new matter has been added. Reconsideration and allowance of the above-referenced application are respectfully requested.

Examiner Wong is thanked for the return telephone call to Mr. Hunter on June 12, 2007. During the call, Mr. Hunter wanted to discuss the basis for the current rejection of claims 21 and 33. However, Examiner Wong was not in a position to discuss the rejection of these claims before the next due date for this written response. Thus, a telephone interview was suggested for after Examiner Wong has had an opportunity to read this written response, in the event that a notice of allowance is not forthcoming.

Election/Restrictions

Responsive to the restriction requirement mailed 02/06/2007, the identified group of claims 1-48 were elected without traverse, and claims 49-56 were withdrawn from consideration. The Office now states, "The nonelected claims are required to be cancelled in the next response." *See* 03-15-2007 Office Action at page 2. Reconsideration of this requirement is respectfully requested.

MPEP 821.02 governs the situation, as here, where the initial restriction requirement is not traversed. As specified in MPEP 821.02, claims to the nonelected invention should be

treated by using form paragraph 8.06, and once the case is in condition for allowance except for the presence of the nonelected claims, these nonelected claims can be cancelled by examiner's amendment in the notice of allowance. Furthermore, the indication that the next response must include cancellation of the claims drawn to the nonelected invention is not appropriate in this case, since MPEP 821.01 does not apply where claims were elected without traverse. Thus, the current response constitutes a complete reply to the 03-15-2007 Office Action, and the requested cancellation of the nonelected claims has been traversed.

Rejections Under 35 U.S.C. § 102

Claims 1-48 stand rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by Moran et al. (U.S. Patent No. 6,738,205). This contention is respectfully traversed.

Independent claim 1 now recites, "obtaining timing information from a spiral servo reference track on a machine-readable medium to determine head position; and generating a servo track with servo information based on the determined head position; wherein the obtaining comprises determining a waveform polarity of a signal from the spiral servo reference track on the machine-readable medium." (Emphasis added.) For example, as described in the present application:

The systems and techniques described can assure a reliable detection of the symbols in a spiral servo reference track, even with a reversed waveform polarity, and can indicate the presence of the reversed polarity and correct for it on the fly.

*See Specification at ¶ [0007], page 4, lines 8-12. The cited art does not teach or suggest the claimed subject matter.*

Moran et al. describe self-writing of servo patterns in disk drives. However, Moran et al. do not describe determining a waveform polarity of a signal from a spiral servo reference track when obtaining timing information from a spiral servo reference track. In contrast with Moran et al., the presently claimed subject matter can detect and account for reversed polarity (e.g., due to confusion of output connectors for the read head during assembly of a disk drive) when obtaining timing information from a spiral servo reference track. This enables a more robust generation of servo information since the waveform polarity of the signal from the spiral servo reference track is determined when obtaining timing information from the spiral servo reference track.

Thus, the rejection of independent claim 1 should be withdrawn, and claim 1 should be in condition for allowance. Dependent claims 2-16 should be patentable based on the above arguments and the additional recitations they contain.

A similar amendment has been made to independent claim 42. Thus, the rejection of independent claim 42 should be withdrawn, and claim 42 should be in condition for allowance. Dependent claims 43-48 should be patentable based on the above arguments and the additional recitations they contain.

Independent claim 17 has been amended to include the language of cancelled claim 21. Claim 17 recites, “a servo writer that writes a spiral servo reference track on a machine-readable medium; and a storage device that includes the machine-readable medium and generates a servo track with servo information in the storage device based on head position determined using timing information obtained from the spiral servo reference track, wherein the storage device

comprises: a detector that decodes an encoded repeating pattern including a timing-reference symbol in the spiral servo reference track for multiple framings of the encoded repeating pattern; and framing and polarity monitoring circuitry that indicates one of the multiple framings as a proper framing and indicates reversed polarity based on the encoded repeating pattern.”

(Emphasis added.) Moran et al. fails to teach or suggest framing and polarity monitoring circuitry as claimed. Thus, the rejection of independent claim 17 should be withdrawn, and claim 17 should be in condition for allowance. Dependent claims 18-20 and 22-28 should be patentable based on the above arguments and the additional recitations they contain.

A similar amendment has been made to independent claim 29, which now includes the language of cancelled claim 33. Thus, the rejection of independent claim 29 should be withdrawn, and claim 29 should be in condition for allowance. Dependent claims 30-32 and 34-41 should be patentable based on the above arguments and the additional recitations they contain.

### Conclusion

The foregoing comments made with respect to the positions taken by the Examiner are not to be construed as acquiescence with other positions of the Examiner that have not been explicitly contested. Accordingly, the above arguments for patentability of a claim should not be construed as implying that there are not other valid reasons for patentability of that claim or other claims.

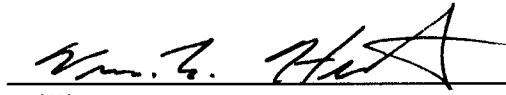
Applicant : Ke Han et al.  
Serial No. : 10/799,474  
Filed : March 11, 2004  
Page : 20 of 20

Attorney's Docket No.: MP0416 / 13361-075001

No fees are believed due with this response. Please apply any necessary charges or credits to deposit account 06-1050.

Respectfully submitted,

Date: June 15, 2007

  
\_\_\_\_\_  
William E. Hunter  
Reg. No. 47,671

Fish & Richardson P.C.  
**PTO Customer No. 26200**  
Telephone: (858) 678-5070  
Facsimile: (858) 678-5099

10742931.doc